IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVN.APPLN.NO.193 OF 2006

Shri.Anandrao Narsingrao Bhise ..Applicant

Vs.

State of Maharashtra & Anr. ..Respondents

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Mr.Ganesh Gole advocate for applicant
Mr.V.B.Konde-Deshmukh A.P.P. for the State
Mr.P.D.Dalvi Advocate for Respondent no.2
Original compalainant

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MAY 03, 2007

P.C.

1. Heard the learned advocate for the applicant-original accused, the learned advocate for the respondent no.2-original complainant and the learned A.P.P. for the State. Respondent No.2 is also present in person.

2. By judgment and order dated 8.6.2005, the learned Judicial Magistrate F.C. Jaysingpur, convicted the applicant under Section 138 of Negotiable Instruments Act in Summary Criminal Case No.3 of 2000 and he was sentenced to S.I. for one year and to pay a fine of Rs.5,000/-. He was also

directed to pay compensation of Rs.1 lakh to the complainant. Being aggrieved thereby, the applicant preferred appeal before the learned Additional Sessions Judge, Jaysingpur. The said appeal came to be dismissed. The learned Sessions Judge directed that the applicant should pay fine of Rs.75,000/- and out of the said fine amount, an amount of Rs.70,000/- was directed to be paid to the complainant as compensation.

3. During the pendency of this revision, settlement has been arrived at between the parties. The learned advocate for the respondent no.2-original complainant states that if the complainant is permitted to withdraw Rs.70,000/- out of Rs.75,000/- which has been deposited before this Court by the applicant, and in addition thereto, if the applicant gives him additional amount of Rs.38,000/- in cash or by demand draft, the complainant does not wish to continue the prosecution and the case against the applicant may be quashed.

4. The learned advocate for the applicant states that the said amount of Rs.38,000/- will be paid

by the applicant to the complainant, however, some time may be granted to the applicant. In view of this statement made by both the parties, the prosecution against the applicant is quashed.

5. Time is granted upto 22.6.2007 to the applicant to deposit remaining amount of Rs.38,000/- before the trial Court. On deposit of the said amount, the respondent no.2-complainant will be at liberty to withdraw the said amount from the trial Court. In case, the applicant fails to deposit the said amount on or before 22.6.2007, the order quashing of proceedings against the applicant shall stand automatically cancelled and the applicant will be taken into custody.

6. Revision application is disposed of.

[Smt.V.K.Tahilramani, J.]